

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE PULLMAN GROUP,

Plaintiff,

-v.-

RUSSELL BAUKNIGHT, *Personal  
Representative of the Estate of James Brown*,  
JAMES BROWN ENTERPRISES, INC., and  
*any successors and assigns*, JAMES  
BROWN, L.L.C., and *any successors and  
assigns*, PRIMARY WAVE MUSIC  
PUBLISHING LLC, SHOT TOWER CAPITAL  
LLC, and JOHN DOE CORPORATIONS 1-5,

Defendants.

22 Civ. 9713 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On February 23, 2023, the Court ordered the parties to submit the briefing on Plaintiff's motion to disqualify John Rosenberg as counsel for Defendants by email to avoid exposing Mr. Rosenberg to information that could impact his ongoing participation in this case. (Dkt. #42). Notwithstanding that Order, Plaintiff filed its opening letter brief on the public docket, triggering a Notice of Electronic Filing to Mr. Rosenberg. (Dkt. #44). Shortly thereafter, Mr. Rosenberg emailed Chambers to advise the Court that he "immediately and permanently deleted the Notice [of Electronic Filing] ... without reviewing or even opening the attachments." Around the same time, Plaintiff contacted court staff who temporarily restricted access to the filing. Given the prompt remedial steps taken by Plaintiff and Mr. Rosenberg's assurances, the Court does not believe that the public filing of Plaintiff's opening brief tainted the

pending motion. The Court expects that going forward, the parties will take greater care to ensure that their briefs are filed in accordance with the Court's Order.

The Clerk of Court is directed to maintain docket entry 44 under seal, viewable only to the Court and Plaintiff.

SO ORDERED.

Dated: February 27, 2023  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge